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THE 46TH SESSION OF THE COMMISSION ON HUMAN RIGHTS
(29 January - 9 March 1990, Geneva)

The 46th session of the Commission on Human Rights will be held from 29 January to 9 March 1990 in Geneva. The review of international procedures and of specific situations involving violations of human rights, are on the agenda. The main issues for this session are discussed below.

A HUMAN RIGHTS FORUM

The Commission on Human Rights is an organ of the Economic and Social Council (ECOSOC) of the General Assembly of the United Nations. Its annual session at the Palais des Nations in Geneva is an immense forum, during the course of which virtually every question of human rights is discussed. The Commission consists of 43 Member States. Dozens of other States and about a hundred non-governmental organizations (NGOs) also participate in its work.

The issues inscribed on the agenda of the Commission are nearly the same each year: the delegates have dozens of annual reports to examine, in particular that of the Sub-Commission (which met in August 1989), that of the Working Groups of the Commission (on minorities, the right to development, enforced disappearances, human rights defenders, the mentally ill), and that of the Special Rapporteurs and Representatives, of experts (Advisory Services Programs and of the U.N. Secretariat.

Among the main reports that will be submitted to the Commission are those of the Working Group on Enforced Disappearances, the Special Rapporteurs on Torture, Summary Executions, Mercenaries, Religious Intolerance, as well as reports on Southern Africa, Chile, Iran, Afghanistan, El Salvador, Guatemala, Haiti and Albania.

CONTRIBUTION OF NGOs

Under each item on the agenda, non-governmental organizations (NGOs) in consultative status with ECOSOC have the right to submit written and oral statements to the Commission concerning the subject under discussion.

The written statements should be addressed to the Secretariat of the United Nations if possible several weeks before the beginning of the session (the Secretariat of the UN

must translate them). Obviously, this is not possible if the NGO wishes to comment on one of the reports submitted to the Commission, which are circulated only during the course of the session. Written statements of 2-3 pages must be addressed to Mr John Pace, Secretary of the Commission, Palais des Nations, 1211 Geneva 10.

With regard to interventions, each NGO has the right to make a speech of no more than 10 minutes under each agenda item. Each year, the number of NGO participants increases. NGOs are also asked to intervene only when they have a substantial contribution to make. NGOs may also prepare joint statements. During the session, the International Service will organize several informal meetings to facilitate their drafting.

THE NEW MEMBERS OF THE COMMISSION

Each year, ECOSOC replaces one third of the members of the Commission on Human Rights. During its 1989 session, ECOSOC accordingly elected three new members: Hungary (which replaced the GDR), Ghana and Madagascar (replacing Rwanda and Togo). All the other countries elected had their terms extended: Brazil, Mexico, United States, Yugoslavia, Senegal, Somalia, Pakistan, the Philippines, Iraq, France and Italy.

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THE MEMBERS OF THE COMMISSION

During the 46th session, the 43 Members States will be following:

Members	(end of term)
Argentina	(1990)
Bangladesh	(1991)
Belgium	(1991)
Botswana	(1990)
Brazil	(1992)
Bulgaria	(1990)
Canada	(1991)
China	(1990)
Cyprus	(1991)
Colombia	(1991)
Cuba	(1991)
Ethiopia	(1991)
France	(1992)
Gambia	(1990)
Germany, Fed. Rep. of	(1990)
Ghana	(1992)
Hungary	(1992)
India	(1991)
Iraq	(1992)
Italy	(1992)
Japan	(1990)
Madagascar	(1992)
Morocco	(1991)
Mexico	(1992)
Nigeria	(1990)
Pakistan	(1992)
Panama	(1991)
Peru	(1990)
Philippines	(1992)
Portugal	(1990)
Sao Tome and Principe	(1990)
Senegal	(1992)
Somalia	(1992)
Spain	(1990)
Sri Lanka	(1990)
Swaziland	(1991)
Sweden	(1991)
United Kingdom	(1990)
Ukraine	(1991)
USA	(1992)
USSR	(1991)
Venezuela	(1990)
Yugoslavia	(1992)

(end of box)

THE WORKING GROUPS OF THE COMMISSION

The Commission on Human Rights has five Working Groups, of which three meet during the two weeks preceding the session:

- Human Rights Defenders (draft declaration). Australia, Norway and Canada are particularly active in this Working Group. A draft of great importance for the protection of human rights defenders. It is hoped that NGOs will give it more attention.

- the Rights of the Mentally Ill (review of the draft declaration prepared by the Sub-Commission).

- Communications (confidential procedure). The Working Group consists of five governments (Bangladesh, Bulgaria, Gambia, Peru, Portugal) and decides which cases will be transmitted to the Commission's confidential session.

The other two Working Groups of the Commission are those on Enforced Disappearances (which holds several sessions during the year and whose report is considered under item 11 of the agenda) and Minorities (draft declaration prepared by Yugoslavia).

PROVISIONAL AGENDA OF THE COMMISSION

The Commission does not usually discuss the items on the agenda in a numerical order. It adopts its time-table on the first day of its session. Ordinarily it begins the debate with Southern Africa and Palestine. The provisional agenda is as follows:

1. **Election of officers**

2. **Adoption of the agenda**

3. **Organization of the work of the session**

4. **Human rights in the territories occupied by Israel, including Palestine**
   Report of the Secretary General

5. **Human rights in Chile**
   Report of the Special Rapporteur

6. **Human rights in Southern Africa**
   Reports of the Ad Hoc Working Group of Experts and of the Secretary General

7. **Assistance to South Africa**
   Annual Report of Mr Khalifa on the adverse consequences for human rights of this political, military and economic assistance.

8. **Economic, Social and Cultural Rights**
   Implementation of the International Covenant on Economic,

Social and Cultural Rights, particularly the working of the Committee on Economic, Social and Cultural Rights; it also includes the following issues:
- the question of external debt
- consequences of the unjust international economic order
- popular participation to development.

9. **Realization of the right to development**
Report of the global consultation (Geneva, January 1990).

10. **Right to self-determination**
Report of the Special Rapporteur on mercenaries. Several specific situation will be examined: Kampuchea, Afghanistan, Western Sahara, Palestine, and Namibia. Of course, NGOs may speak about other situations in which the right to self-determination is not respected. In recent years, NGOs spoke on Eritrea, Tibet and Timor, for example.

11. **Detention: torture and disappearances**
The rights of all persons subjected to any form of detention.

Reports of the Special Rapporteur on torture, of the Secretary General on the detention of international civil servants, and the Working Group on enforced disappearances. This debate allows NGOs to expose specific cases of torture and disappearances in any country.

12. **Promotion of human rights**
This item deals with the world public information campaign on human rights, national institutions established by Governments to promote human rights, and regional arrangements and the coordinating role of the UN Centre for Human Rights.

13. **Violations of human rights in any part of the world (NB formerly item 12 of the Commission)**
It is under this agenda item that the Commission examines cases of violations of human rights and fundamental freedoms in any part of the world. Several national situations appear explicitly on the agenda, either because a Special Rapporteur or Representative has been nominated (Iran, Afghanistan, El Salvador, Romania), or because the Secretary General must prepare a report (Southern Lebanon and Albania), or simply because they are subjects of resolutions of last year's Commission sessions (Burma).

This debate always begins with the consideration of the situation of human rights in Cyprus. Moreover, the report of the Special Rapporteur on Summary Executions is discussed under this item.

14. **Human rights of migrant workers**
Information on the work of the Working Group requested to drawing a Convention by the General Assembly.

15. **Human rights, and scientific and technological developments**
Report of the Working Group on the protection of persons

detained on the grounds of mental ill-health.

16. **International convention against apartheid**
Implementation of the Convention on the Suppression and Punishment of the Crime of Apartheid.

17. **Combatting racial discrimination**
(NB: Items 6, 16 and 17 are examined together)
Study of the means of ensuring the implementation of the resolutions of the United Nations on apartheid, racism and racial discrimination (including the Programme of Action for the Second Decade).

18. **Status of the International Covenants**
Under this item, the status of other conventions will also be discussed (e.g.: the Convention Against Genocide) and the recommendations of the working group on the computerization of the work of supervisory bodies.

19. **Treaty Bodies**
Last year, the Commission adopted the recommendations submitted by the Chairmen of the supervisory bodies of the Conventions. During this 46th session, it will review the suggestions of an expert to improve the functioning of the supervisory bodies.

20. **Report of the Sub-Commission**
Mandate and functioning of the Sub-Commission. It is under this item that the reports of the Working Groups on Slavery and on Indigenous Peoples will be examined, along with the decisions taken by the Sub-Commission during its 40th session (August 1989).

21. **The rights of minorities**
Review of the proposals of the Working Group. The official theme is: the rights of persons belonging to national, ethnic, religious and linguistic minorities.

22. **Nazism, fascism and other totalitarian practices**
This items is discussed every other year.

23. **Advisory Services**
(see our article in this issue)
Reports of experts on Equatorial Guinea, Haiti and Guatemala. Proposals of the Secretary General concerning the implementation of this programme.

24. **Religious Intolerance**
Debate on the implementation of the declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief:
- report of the Special Rapporteur
- report of Mr van Boven (of the Sub-Commission) on a future draft convention.

25. **Human Rights Defenders**
Report of the Working Group on the "draft declaration on the rights and responsibilities of individuals, groups and

organs of society for the promotion and protection of human rights."

26. Draft agenda for the 1991 session

27. Adoption of the report.

THE MAIN CHALLENGES

Among the great number of questions to be examined by the Commission, several will be the subject of particularly intense debate, both on a procedural level, and with respect to specific cases of human rights abuses.

Controlling the Commission and its Sub-Commission

In recent years, the Commission and the Sub-Commission have condemned several States for serious violations of human rights. Also NGOs criticize a very large number of governments during each session.

A number of those Governments criticized are seeking to control the Commission and its Sub-Commission in order to avoid further accusations. The first step envisaged seems to be to increase the number of members of the Commission, reserving the new seats for the countries of the South. The geographical redistribution within the Commission would certainly be more consistent with the composition of the UN, but it is doubtful that this quantitative increase would be accompanied by an increase in quality: which among the potential new members are the countries where human rights are respected?

Thus, an increase in the number of members of the Commission does not necessarily represent progress for the United Nations human rights programme; therefore, this increase should at least be accompanied by other measures with a view to improving the effectiveness of the Commission (early warning systems, for example).

Another measure could be that of restricting the mandate of the Sub-Commission or, at least, specifying the rules of the game. Certain Member-States of the Commission may well suggest that the Sub-Commission henceforth deal only with technical questions. It would, therefore, be necessary to be specially watchful during the debate on the Sub-Commission and its working groups.

Thematic Rapporteurs

It is during this 46th session that the mandates for thematic studies will be renewed. The mandates of the Special Rapporteurs on Torture, Summary Executions, Religious Intolerance and Mercenaries, and that of the Working Group on Enforced Disappearances were defined during the 1988 session. Here too

NGOs must pay attention to the preparation of draft resolutions. The omission of the word "NGO" in a resolution, for example, could prevent NGOs from using that procedure.

Countries in the dock

Human rights organizations will obviously seek to expose situations of serious human rights violations, in the hope that the Commission will take measures in response. Unfortunately, debates within the Commission are influenced by economic and political interests. In recent years, the Commission has avoided criticizing States which have been starting a democratization process, regardless of the status of human rights situation (examples: Peru, Colombia, the Philippines). In addition, peace processes are generally going hand in hand with a quasi-automatic clearance of the human rights question (e.g. the Iran-Iraq conflict).

This is why human rights defenders should not have too many illusions. Within the United Nations, even in the case of gross human rights violations, it is often necessary to repeat the same interventions for years before it is taken into account.

At the 46th session, several countries will find themselves in the dock:

* Somalia is on the confidential list. The human rights situation in the country is disastrous. Last year, a condemnation was avoided thanks to the proposal of Senegal...

* Burma also appears on the confidential list. Last year, the Commission adopted a public resolution specifically referring to the elections which have still not taken place. Burma should, therefore, be subjected to public condemnation.

* Self-determination: Western Sahara, Tibet, Timor, Afghanistan. Interventions on these countries are very important for maintaining the attention of the international community. The Tibetan cause has won widespread support in recent years.

* Romania: it is very important that the mandate of the Special Rapporteur, Mr Joseph Voyame, be renewed, even if he has not yet been allowed to visit the country.

* Chile: many States are reluctant to condemn Chile, in view of the democratization process which is taking place in that country. The NGOs should, therefore, redouble their efforts to oppose this truce and to obtain the renewal of the mandate of the Special Rapporteur.

* China: the brutal repression of the Chinese democratic movement is still in everyone's mind. The Sub-Commission has requested the Secretary General to prepare a report for the Commission on the information received on this matter.

It is likely that the issue of China will be at the centre of the discussions at the 46th session.

* Iraq: Iraq was able to avoid condemnation last year. In the meantime, ECOSOC has re-elected it to the Commission although the Kurds continue to be massacred there. Several human rights organizations have already announced their intention to focus on this question.

* Guatemala: the wave of repression in the countryside has again reached the level of the dark years of the military dictatorship. There have been dozens of disappearances during the past few months. A great number of NGOs are asking the Commission to re-inscribe the question of Guatemala under item 13 of the agenda ("the black list").

* Cuba : a large number of human rights defenders have been arrested recently. Several countries have announced their intention to raise this issue.

* Salvador : the wave of violence which is sweeping the country, and especially the killing of six Jesuits in November, should incite the Commission to be harsher towards El Salvador.

* Haiti: this country appears on the confidential list and in the programme of Advisory Services. The report of the expert, Philippe Texier, will no doubt be very detailed, and will be followed by an interesting discussion over whether the Commission will name a Special Rapporteur.

* Cambodia : the General Assembly resolution of November 1989 gives a green light to the Khmers Rouges' return to power. The 1990 session of the Commission is therefore the last chance to get the United Nations to condemn the crimes committed by the Khmers Rouges.

Human rights organizations, at the local, regional and international levels, should prepare the session of the Commission well in advance, by contacting the Ministries of Foreign Affairs of the Member-States of the Commission. They Ocould, thus, ensure that more Government delegations arrive in Geneva at the beginning of the session with clear instructions on the issues raised above.

October 1989